

# Exhibit 2



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**From:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>

**Sent:** Tuesday, August 2, 2022 4:00 PM

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**Cc:** Anthony A. Rowell <[ARowell@hallboothsmith.com](mailto:ARowell@hallboothsmith.com)>; Nick Kinsley <[NKinsley@hallboothsmith.com](mailto:NKinsley@hallboothsmith.com)>; Stephen Delk <[SDelk@hallboothsmith.com](mailto:SDelk@hallboothsmith.com)>

**Subject:** RE: Subpoenas to Coffee County Board of Elections and Registration and Cheney - Curling v. Raffensperger

Jennifer –

Thanks for sending this along. We have some follow-up questions and concerns we need addressed quickly please.

Document production:

1. The phone records are for an iPhone 7 with a device name of “Misty’s iPhone”. It appears that Ms. Hampton had an iPhone 7 from February 2020 until about January 1, 2021, not a Samsung Galaxy S4 as Mr. Barnes testified. It also appears that the phone records you produced stop on January 1, 2021, but Ms. Hampton’s employment didn’t end until February of 2021.
  - a. Where are the documents from January 1, 2021, through the end of her employment?
  - b. Where are the documents from Ms. Hampton’s Samsung Galaxy S4?
  - c. Did Coffee County attempt to obtain additional documents from Ms. Hampton’s phone via Apple (given the phone may have been backed up to the iCloud and iMessages may also be with Apple)?
2. The phone examination report index notes that email messages are “not supported”.
  - a. What does that mean?
  - b. What has Coffee County done to retrieve and produce all emails from the phone?
  - c. When can the County make the phone available to Plaintiffs’ e-discovery experts to see if they can collect additional data from it?
3. Eighteen of the text messages note attached images, but it doesn’t appear we received 18 images and some look to be duplicates.
  - a. Did Coffee County collect and produce all images, including video, from the phone?
4. There are audio files in a drop box folder. My colleague Jenna asked you for access to them.
  - a. When can we get access to the audio files? (Time is of the essence unfortunately.)
5. You claim privilege in response to Doc Requests 11 and 13, which encompass communications with the Secretary of State and others.
  - a. Please clarify whether Coffee County, any of its current or former employees, or any of the current or former members of its Elections Board are claiming any privilege over any communications with the Secretary of State’s Office, the State Election Board

- members, any other Georgia county, anyone with Dominion, or any other third parties?
- b. If there is any such privilege claim, please specifically explain it and its basis.
  - c. If there is no such privilege claim, please explain the privilege objection in response to Requests 11 and 13.

**Privilege log:**

1. The County looks to claim attorney-client privilege on written communications with Ms. Hampton and Mr. Barnes.
  - a. Can you please explain the basis for this claim?
2. The privilege log does not have a date field. This is critical information.
  - a. Please promptly provide a supplemental log with the creation and last modified date for each document and the sent/received date for each communication.

Best,  
DC

**DAVID D. CROSS**  
**CHAIR OF ANTITRUST LITIGATION PRACTICE**

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**From:** Jennifer Dorminey Herzog <[jherzog@hallboothsmith.com](mailto:jherzog@hallboothsmith.com)>  
**Sent:** Monday, August 1, 2022 5:41 PM  
**To:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>; Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Russ Abney <[rabney@wattsguerra.com](mailto:rabney@wattsguerra.com)>; Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>; Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Daniella P. Stucchi <[daniella@khlawfirm.com](mailto:daniella@khlawfirm.com)>; Marilyn Marks <[Marilyn@uscgg.org](mailto:Marilyn@uscgg.org)>; Middleton, Caroline L. <[CMiddleton@mofo.com](mailto:CMiddleton@mofo.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>  
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**Subject:** RE: Subpoenas to Coffee County Board of Elections and Registration and Cheney - Curling v. Raffensperger

**External Email**

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Good afternoon. Please find attached:

1. CCBOE Response to Curling 30b6 Topics
2. Chaney Response to Curling Subpoena to Cheney for document production
3. CCBOE Response to Curling Subpoena to CCBOE for document production

Also of note:

Hampton's Phone: audio contents in zip file below, other contents contained in attachments.

Laptop: It is my understanding from further communications with Mr. Barnes with regard to the "old gray lap top" he referenced during his deposition that he saw the laptop stored along with a lot of other miscellaneous computer parts such as old printer parts, cords, speakers, etc. He advised that although he did attempt to power it on, he never used it. The fact that it was not registered as being assigned by the County and was not ticketed any service by IT makes me believe this was an old laptop from years and years ago, but I have attempted to communicate with the Director for IT to confirm both that supposition and the location of the laptop itself if it is still in existence - he is